

REMARKS

The following remarks are in response to the Non-Final Office Action mailed on May 14, 2007 and to the Advisory Action mailed November 23, 2007.

This Amendment is filed under 37 C.F.R. §1.114 with a request for continued examination of the instant application. A Notice of Appeal was filed on August 10, 2007.

Claims 2-5, 8-14, 16, 17, and 19-23 have been canceled without prejudice. Claims 1, 6, 7, and 18 have been amended. Support for amended claim 1 appears in the specification, for example, in paragraph 00035, page 16, lines 9-10, and in paragraph 00027, page, 11, lines 24-30; for amended claims 6 and 7, for example, in paragraph 00027, page 11, lines 19-22; and for amended claim 18, for example, in claim 12 as originally filed, and in paragraph 00059, page 25, lines 26-29. New claims 24-27 have been added. The Advisory Action includes a Notice of Non-Compliant Amendment (37 C.F.R. §1.121) that states that new claim 24 has underlining. New claim 24 presented in this Submission does not have underlining. Accordingly, it is believed that the Submission complies with 37 C.F.R. §1.121. Claims 1, 6, 7, 15, 18 and 24-27 are pending. Reconsideration is respectfully requested in light of the following remarks.

Rejections Under 35 U.S.C. §112, First Paragraph

Claims 21-23 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written-description requirement.

Claims 21-23 have also been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

The cancellation without prejudice of claims 21-23 renders these rejections moot.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 22 and 23 have been rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. The cancellation without prejudice of claims 22 and 23 renders the rejection moot.

Rejection Under 35 U.S.C. §103

Claims 1, 5-8, 10-16, 18 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,938,969 (“Schinitzsky”) in view of U.S. Patent No. 5,804,594 (“Murad”), U.S. Patent No. 5,902,591 (“Herstein”), U.S. Patent No. 2,517,276 (“Bassford”), Kalus et al. Abstract (“Kalus”), U.S. Patent No. 5,972,993 (“Ptchelintsev”) and EP 0 771 557 B1.

Submitted herewith is EP 0771 557 B1’s English-language translation (“L’Oreal”).

None of the cited references, each alone or in combination, teaches or suggests the presently claimed invention.

Neither Schinitzsky, Herstein, Bassford, Kalus, Ptchelintsev nor L’Oreal discloses a composition comprising glucosamine, much less comprising glucosamine and having a pH of about 3.5 to about 4.1. Accordingly any combination of Schinitzsky and one or more of Herstein, Bassford, Kalus, Ptchelintsev and L’Oreal cannot and does not provide the presently claimed compositions of claims 1, 6, 7, and 15 or the method of claim 18 (claims 5, 8, 10-14, 16 and 19 having been canceled without prejudice).

Murad does not disclose a composition having a pH of about 3.5 to about 4.1, much less a composition that comprises water, approximately 10% to 25% (w/v) glucosamine and at least 10% (w/v) ascorbic acid.

Even if one were to combine Schinitzsky with Murad, alone or in further combination with one or more of Herstein, Bassford, Kalus, Ptchelintsev and L’Oreal, one would not arrive at the presently claimed compositions of claims 1, 6, 7, and 15 or the method of claim 18, because none of the cited references, alone or in combination, teaches or suggests a composition that comprises

water, approximately 10% to 25% (w/v) glucosamine and at least 10% (w/v) ascorbic acid, and that has a pH of about 3.5 to about 4.1.

In view of the above, it is believed that the rejection under 35 U.S.C. §103(a) cannot be maintained. Withdrawal of the rejection under 35 U.S.C. §103(a) is therefore respectfully requested.

New Claims 24-27

Support for new claim 24 appears in the specification, for example, in paragraph 00028, page 12, lines 10-19; in paragraph 00028, page 12, lines 25-27; in paragraph 00047, page 20, lines 19-22; in paragraph 00035, page 16, lines 9-10; in paragraph 00036, page 16, lines 19-23; and paragraph 00027, page, 11, lines 24-30.

Support for new claim 25 appears in the specification, for example, in paragraph 00028, page 12, lines 10-19; in paragraph 00028, page 12, lines 25-27; in paragraph 00027, page, 11, lines 24-30; and in paragraph 00035, page 16, lines 9-10.

Support for new claim 26 appears in the specification, for example, in paragraph 00036, page 16, lines 19-23.

Support for new claim 27 appears in the specification, for example, in paragraph 00059, page 25, lines 26-29.

It is believed that addition of new claims 24-27 does not introduce new matter. Entry of these new claims is therefore respectfully requested.

It is also believed that claims 24-27 are novel and nonobvious over the cited references. None of the cited references teaches or suggests a composition having a pH of about 3.5 to about 4.1 and comprising water, approximately 10% to 25% (w/v) glucosamine and at least 10% (w/v) ascorbic acid, wherein at least 10% (w/v) of the ascorbic acid is pretreated according to the method comprising the steps of dissolving ascorbic acid in water at a temperature of between about 60°C to

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about 90°C to provide an ascorbic acid solution of at least 20% (w/v) and cooling the ascorbic solution to below about 40°C.


CONCLUSION

In light of the remarks set forth above, it is believed that the pending claims are under condition for allowance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit account No. 23-2415 (Attorney Docket No. 36091-701.501).

Respectfully submitted,

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